

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CONRAD A. JASPER,

Defendant.

CASE NO. 8:06CR194

MEMORANDUM AND ORDER

This matter is before the Court on the Court's own motion in light of the amendments to the crack cocaine guidelines. The probation office has submitted a worksheet.

On April 2, 2007, the Defendant was sentenced to 262 months imprisonment on Count I and 120 months to be served concurrently on Count II. (Filing No. 63.) His guideline range was 292-365 months based on total offense level 35 and criminal history category VI. The Court departed below the guideline range in sentencing the Defendant, a career offender. (Filing No. 58.)

The Eighth Circuit has stated that a career offender's base offense level is determined under U.S.S.G. § 4B1.1 and not U.S.S.G. § 2D1.1. The sentencing commission lowered the levels under § 2D1.1(c) and did not amend § 4B1.1. *United States v. Thomas*, 524 F.3d 889, 890 (8th Cir. 2008). Therefore, the crack cocaine amendments have no effect on this Defendant's case, and his sentence cannot be lowered under the crack cocaine amendments to the guidelines.

IT IS ORDERED that the Defendant's sentence cannot be reduced under the crack cocaine amendments to the sentencing guidelines.

DATED this 14th day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge